

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Salinas

February 22, 2006

An act to ~~add Section 5784.2 to the Public Resources Code, amend Sections 56375.3 and 56375.4 of the Government Code, relating to parks~~ local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Salinas. ~~Recreation and park districts: board of directors. Local government annexation.~~

Existing law requires a local agency formation commission to approve, after notice and hearing, an annexation to a city of unincorporated island territory if the annexation is initiated on or after January 1, 2000, and before January 1, 2007, and other conditions are met.

This bill would delete the January 1, 2007, limitation and extend this date to January 1, 2014, and would make other conforming changes.

By extending the time that this duty is imposed on local governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law specifies procedures for the selection and composition of the board of directors of a recreation and park district, and generally provides that the board is composed of 5 members.~~

~~This bill would provide that a local agency formation commission, in approving either a consolidation of districts or the reorganization of 2 or more districts into a single recreation and park district, may temporarily increase the number of directors to serve on the board of directors of the consolidated or reorganized district to 7 or 9, who shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization. The bill would also specify procedures when the terms of those members expire or in the event of a vacancy on the board of directors of a consolidated or reorganized district.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56375.3 of the Government Code is
- 2 amended to read:
- 3 56375.3. (a) In addition to those powers enumerated in
- 4 Section 56375, a commission shall do either of the following:
- 5 (1) Approve, after notice and hearing, the annexation to a city,
- 6 and waive protest proceedings pursuant to Part 4 (commencing
- 7 with Section 57000) entirely, if all of the following are true:
- 8 (A) The annexation is initiated on or after January 1, 2000,
- 9 and before January 1, ~~2007~~ 2014.
- 10 (B) The annexation is proposed by resolution adopted by the
- 11 affected city.
- 12 (C) The commission finds that the territory contained in the
- 13 annexation proposal meets all of the requirements set forth in
- 14 subdivision (b).
- 15 (2) Approve, after notice and hearing, the annexation to a city,
- 16 subject to subdivision (a) of Section 57080, if all of the following
- 17 are true:
- 18 (A) The annexation is initiated on or after January 1, ~~2007~~
- 19 2014.

1 (B) The annexation is proposed by resolution adopted by the
2 affected city.

3 (C) The commission finds that the territory contained in the
4 annexation proposal meets all of the requirements set forth in
5 subdivision (b).

6 (b) Subdivision (a) applies to territory that meets all of the
7 following requirements:

8 (1) It does not exceed 150 acres in area, and that area
9 constitutes the entire island.

10 (2) The territory constitutes an entire unincorporated island
11 located within the limits of a city, or constitutes a reorganization
12 containing a number of individual unincorporated islands.

13 (3) It is surrounded in either of the following ways:

14 (A) Surrounded, or substantially surrounded, by the city to
15 which annexation is proposed or by the city and a county
16 boundary or the Pacific Ocean.

17 (B) Surrounded by the city to which annexation is proposed
18 and adjacent cities.

19 (C) This subdivision shall not be construed to apply to any
20 unincorporated island within a city that is a gated community
21 where services are currently provided by a community services
22 district.

23 (D) Notwithstanding any other provision of law, at the option
24 of either the city or the county, a separate property tax transfer
25 agreement may be agreed to between a city and a county
26 pursuant to Section 99 of the Revenue and Taxation Code
27 regarding an annexation subject to this subdivision without
28 affecting any existing master tax sharing agreement between the
29 city and county.

30 (4) It is substantially developed or developing. The finding
31 required by this subparagraph shall be based upon one or more
32 factors, including, but not limited to, any of the following factors:

33 (A) The availability of public utility services.

34 (B) The presence of public improvements.

35 (C) The presence of physical improvements upon the parcel or
36 parcels within the area.

37 (5) It is not prime agricultural land, as defined by Section
38 56064.

39 (6) It will benefit from the annexation or is receiving benefits
40 from the annexing city.

(c) Notwithstanding any other provision of this subdivision, this subdivision shall not apply to all or any part of that portion of the development project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code that as of January 1, 2000, meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.
- (4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

SEC. 2 Section 56375.4 of the Government Code is amended to read:

56375.4. (a) The authority to initiate, conduct, and complete any proceeding pursuant to subdivision (a) of Section 56375.3 does not apply to any territory that, after January 1, 2000, became surrounded or substantially surrounded by the city to which annexation is proposed. The authority to initiate, conduct, and complete any proceeding pursuant to paragraph (1) of subdivision (a) of Section 56375.3 shall expire January 1, ~~2007~~ 2014. The period of time between January 1, 2000, and January 1, ~~2007~~ 2014, shall not include any period of time during which, in an action pending in any court, a local agency is enjoined from conducting proceedings pursuant to paragraph (1) of subdivision (a) of Section 56375.3. Upon final disposition of that case, the previously enjoined local agency may initiate, conduct, and complete proceedings pursuant to paragraph (1) of subdivision (a) of Section 56375.3 for the same period of time as was remaining under that ~~seven-year~~ 14-year limit at the time the injunction commenced. However, if the remaining time is less than six months, that authority shall continue for six months following final disposition of the action.

(b) Between January 1, 2000, and January 1, ~~2007~~ 2014, no new proposal involving the same or substantially the same territory as a proposal initiated pursuant to paragraph (1) of subdivision (a) of Section 56375.3 after January 1, 2000, shall be initiated for two years after the date of adoption by the commission of a resolution terminating proceedings.

1 *SEC. 3. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 SECTION 1. Section 5784.2 is added to the Public Resources
7 Code, to read:

8 5784.2. ~~(a) Notwithstanding any other provision of law, a~~
9 ~~local agency formation commission, in approving either a~~
10 ~~consolidation of districts or the reorganization of two or more~~
11 ~~districts into a single recreation and park district, pursuant to~~
12 ~~subdivisions (k) and (n) of Section 56886 of the Government~~
13 ~~Code, may temporarily increase the number of directors to serve~~
14 ~~on the board of directors of the consolidated or reorganized~~
15 ~~district to seven or nine, who shall be members of the board of~~
16 ~~directors of the districts to be consolidated or reorganized as of~~
17 ~~the effective date of the consolidation or reorganization.~~

18 ~~(b) Upon the expiration of the terms of the members of the~~
19 ~~board of directors of the consolidated or reorganized district,~~
20 ~~whose terms first expire following the effective date of the~~
21 ~~consolidation or reorganization, the total number of members on~~
22 ~~the board of directors shall be reduced until the number equals~~
23 ~~five members.~~

24 ~~(c) In addition to the powers granted under Section 1780 of the~~
25 ~~Government Code, in the event of a vacancy on the board of~~
26 ~~directors of the consolidated or reorganized district at which time~~
27 ~~the total number of directors is greater than five, the board of~~
28 ~~directors may, by majority vote of the remaining members of the~~
29 ~~board, choose not to fill the vacancy. In that event, the total~~
30 ~~membership of the board of directors shall be reduced by one~~
31 ~~board member.~~

32 ~~(d) For the purposes of this section, the following definitions~~
33 ~~apply:~~

34 ~~(1) "Consolidation" means consolidation as defined in Section~~
35 ~~56030 of the Government Code.~~

36 ~~(2) "District" or "special district" means district or special~~
37 ~~district as defined in Section 56036 of the Government Code.~~

- 1 ~~(3) “Reorganization” means reorganization as defined in~~
- 2 ~~Section 56073 of the Government Code.~~

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